

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.526 of 2020

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Awadhesh Kumar Mishra, Son of Late Siyasharan Mishra, C/o Mahendra Dubey, resident of Babuchak Milki, P.O. Acchua, P.S. Paliganj, District-Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, New Secretariat, Patna.
2. The Executive Engineer, Flood Control Drainage Division, Purnea.
3. The Superintending Engineer, Flood Control and Drainage Circle, Purnea.
4. The Chief Engineer, Flood Control and Drainage Department, Katihar Camp, Purnea.
5. Pramod Kumar Misri, Son of Late Shiyasharan Mishra, Resident of Mirzapur, P.O. Pitamberpur, Correspondence Address P.O. Pitamberpur, Via Telhara, P.S. Telhara, District Nalanda, Pin Code 801306.
6. Sushila Devi, D/o Late Siya Sharan Mishra, Resident of Village Mirzapur, P.O. Pitamberpur, P.S. Ghosi, District-Jehanabad, present Address Wife of Sri Purushottam Mishra, resident of Sherpur, P.O. and P.S. Karpi, District Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Sugandha Prasad, Advocate
For respondent Nos. 5 &6:		Mr. Dhanendra Choubey, Advocate
		Mr. Dineshwar Tiwary, Advocate
For the State	:	Mr. Vijay Kumar Verma, AC to GA

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 19-04-2023

Heard Ms. Sugandha Prasad, learned counsel appearing on behalf of the petitioner, Mr. Dhanendra Choubey, learned counsel appearing on behalf of respondent Nos. 5 and 6 and Mr. Vijay Kumar Verma, learned AC to GA for the State.

2. In terms of the agreement entered between the two brothers and one sister, who have mutually agreed that the petitioner may claim his appointment on compassionate ground



and the other retiral dues will be distributed among one brother and sister (Respondents no.5 and 6).

3. Considering the nature of relief sought for in the present writ petition it appears that petitioner is not in agreement with the affidavit sworn by him and his brother and sister (Respondent Nos. 5 & 6). Interference of this court in such disputed question of facts cannot be dealt with in exercise of power granted to this Court under Section 226 of the Constitution of India. However, if the parties so desired may file representation before the concerned authority in compliance of the order dated 24.06.2020 of this Court. The Authorities on the basis of the evidence and taking note the entitlement of the respective parties may release the pensionary benefit payable to the deceased employee. In alternative, if petitioner and the respondents no. 5 and 6 so desire may avail remedy before the competent civil Court in accordance with law.

4. With the above observations the present writ petition stands disposed of.

(Purnendu Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.04.2026
Transmission Date	

